IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 17952 of 2005(K)

PETITIONER:

KADAVATHAKATH SAFIYA,
D/O. MUHAMMEDKUTTY, AGED 26 YEARS, VETTOM AMSOM,
PADIYAM DESOM, TIRUR TALUK.

BY ADV. SRI.JOBY JACOB PULICKEKUDY
SRI.ANIL GEORGE
SRI.PAUL MATHEW (PERUMPILLIL)

RESPONDENTS:
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1. TIRUR LOCAL REPROTER,
MADHYAMAM MALAYALAM NEWSPAPER, TIRUR.

2. EDITOR,
MADHYAMAM MALAYALAM NEWSPAPER.

3. PRINTER,
MADHYAMAM MALAYALAM NEWSPAPER.

4. PUBLISHER,
MADHYAMAM MALAYALAM NEWSPAPER.

5. PERSONEL MANAGER,
MADHYAMAM MALAYALAM NEWSPAPER.

6. KADAVATHAKATH MAJEED, S/O. HAMZA.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 17952/2005 K

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DISMISSING THE RESTORATION APPLICATION IN IA NO. 1633/04.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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KURIAN JOSEPH J.

W.P.(C) No.17952 of 2005

Dated 9th August, 2007.

J U D G M E N T

Petitioner is essentially aggrieved since his application under Order IX Rule 9 of the Civil Procedure Code for restoration of the suit was dismissed. Since the same is an appealable order, it is not necessary for this Court to exercise its supervisory jurisdiction under Article 227 of the Constitution of India. Therefore, without prejudice to the liberty to the petitioner to invoke the proper remedy as above, and making it clear that it will be open to the petitioner to pursue that remedy in the proper address of the parties and further making it clear that the time taken for prosecuting the writ petition shall stand excluded in computing the period of limitation, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

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